

HOUSE BILL 103

J1, O4

2lr0700

By: **Delegates Pena–Melnyk, Wilson, Anderson, Braveboy, Costa, Cullison, Donoghue, Elliott, Frick, Frush, Griffith, Hubbard, Kach, A. Kelly, Kipke, Luedtke, Morhaim, Murphy, Nathan–Pulliam, Oaks, Proctor, Reznik, Ross, Tarrant, V. Turner, Walker, and Washington**

Introduced and read first time: January 19, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Independent Foster Care**
3 **Adolescents – Age of Eligibility**

4 FOR the purpose of increasing the age of eligibility for independent foster care
5 adolescents to receive certain health care services from the Maryland Medical
6 Assistance Program, subject to certain conditions; altering a certain definition;
7 providing for the termination of this Act if the U.S. Supreme Court makes a
8 certain ruling; and generally relating to Maryland Medical Assistance Program
9 services for independent foster care adolescents.

10 BY repealing and reenacting, without amendments,
11 Article – Health – General
12 Section 15–101(a) and 15–103(a)(1) and (2)(xi)
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2011 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 15–101(d–1)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2011 Supplement)

20 Preamble

21 WHEREAS, Beginning January 1, 2014, the federal Patient Protection and
22 Affordable Care Act will provide Medicaid coverage to independent foster care
23 adolescents who are under the age of 26 years; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Chapter 681 of the Acts of the General Assembly of 2009 expanded
2 Medicaid coverage to independent foster care adolescents who are under the age of 21
3 years; and

4 WHEREAS, The General Assembly has an opportunity to provide Medicaid
5 coverage to independent foster care adolescents who are under the age of 26 years
6 before the expansion of coverage is implemented by the federal Patient Protection and
7 Affordable Care Act; now, therefore,

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article – Health – General**

11 15–101.

12 (a) In this title the following words have the meanings indicated.

13 (d–1) “Independent foster care adolescent” means an individual:

14 (1) Who is under ~~[21]~~ **26** years of age; and

15 (2) Who, on the individual’s 18th birthday, was in foster care under
16 the responsibility of the State.

17 15–103.

18 (a) (1) The Secretary shall administer the Maryland Medical Assistance
19 Program.

20 (2) The Program:

21 (xi) Shall provide, subject to the limitations of the State budget,
22 and as permitted by federal law, comprehensive medical care and other health care
23 services for independent foster care adolescents:

24 1. Who are not otherwise eligible for Program benefits;
25 and

26 2. Whose annual household income is at or below 300
27 percent of the poverty level;

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2012. If the U.S. Supreme Court rules that the federal Patient Protection
30 and Affordable Care Act, or any provision of the Act that expands Medicaid coverage
31 to independent foster care adolescents, is unconstitutional, with no further action

1 required by the General Assembly, this Act shall be abrogated and of no further force
2 and effect.